

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8821

UNITED STATES OF AMERICA,
Plaintiff,

v.

Francisco Javier CARDENAS

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

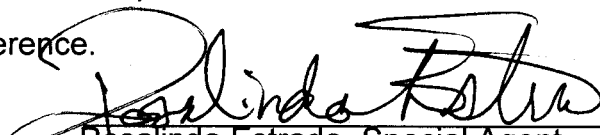
21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about September 5, 2008 within the Southern District of California, defendant Francisco Javier CARDENAS did knowingly and intentionally import approximately 46.96 kilograms (103.31 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Rosalinda Estrada, Special Agent
Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8TH
DAY OF SEPTEMBER 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Rosalinda Estrada, declare under penalty of perjury, the following is true and correct:

On September 5, 2008, at approximately 1410 hours, Francisco Javier CARDENAS was the sole occupant driver of a 2000 DODGE Intrepid as he entered the United States at the Calexico, CA East Port of Entry. CARDENAS was not the registered owner of the vehicle.

In primary inspection, CARDENAS gave Customs & Border Protection Officer E. Garcia a negative Customs declaration. CARDENAS stated the vehicle belonged to his neighbor but was not able to give his neighbor's complete name when Officer Garcia inquired. Officer Garcia noticed CARDENAS's hands were shaking. CARDENAS further stated he was on his way home to Calexico, CA. CARDENAS and the vehicle were walked over to secondary for further inspection.

In the vehicle secondary inspection area, Canine Enforcement Officer D. Alba screened the vehicle with his canine and received a positive alert. The vehicle was also x-rayed and Officer Garcia was informed that there were various abnormalities in the doors of the vehicle.

Thirty-six (36) packages were removed from the rear passenger doors, front passenger door and backseat rest of the vehicle. The packages contained a green leafy substance which field tested positive for marijuana. A total of 46.96 kilograms (103.31 pounds) of marijuana was discovered.

CARDENAS was arrested in violation of 21 U.S.C. §§ 952 & 960, Importation of a Controlled Substance. CARDENAS acknowledged and waived his Miranda Rights and admitted he did have knowledge of the narcotics in the vehicle. CARDENAS stated he was to be paid \$1,000.00 upon delivery of the drugs.

Executed on 09/06/08 @ 0844 hours


Rosalinda Estrada, Special Agent
U. S. Immigration & Customs Enforcement

On the basis of the facts presented in this probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on 09/05/08 in violation of 21 U.S.C. §§ 952 & 960.


LOUISA S. PORTER
United States Magistrate Judge

9/6/08 NOON
Date Time